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the conduct of the drawee is substantially tortious and amounts to a conversion of the bill". This is a reiteration of the common law rule that mere retention of the bill is not acceptance. *Overman* v. *Hoboken City Bank,* 31 N. J. L. 563; *First National Bank* v. *McMichael,* 106 Pa. St. 460; *Bank of the Republic* v. *Millard,* 10 Wall. 152. In *Rousch* v. *Duff,* 35 Mo. 312, it was held that mere holding of the bill beyond the time specified does not amount to an acceptance, even though accompanied with a promise to pay it. The consensus of authority is that the duty rests on the holder to demand either acceptance or return of the bill and that mere inaction on the part of the drawee has no effect. *Mason* v. *Barff,* 2 B. & Ald. 26; *Colorado Nat. Bank* v. *Boettcher,* 5 Colo. 185.

CONSTITUTIONAL LAW—LEGISLATION TO VALIDATE A DEFECTIVE MUNICIPAL ELECTION.—Article 9, § 8 of the Constitution of Pennsylvania provides that a borough cannot increase its indebtedness to an amount exceeding two per centum of the assessed valuation of property located therein, "without the assent of the electors thereof at a public election in such manner as shall be provided by law." The borough of Carlisle held such an election, but certain statutory requirements were not observed. Subsequently the legislature passed an act the intent of which was to validate all such elections. On a bill in equity to enjoin the issuing of municipal bonds in pursuance of this election, this validating or curative act was held constitutional by a divided court, three judges dissenting on the ground that as the election was void it could not be revived and made legal, and on the further ground that the curative act was an attempt to do indirectly what could not be done directly, namely, to except the borough of Carlisle from the requirements of the general election laws. *Swartz* v. *Borough of Carlisle* (Pa. 1912) 85 Atl. 847.

The weight of authority seems to be that "a retrospective statute curing defects in legal proceedings, when they are in their nature irregularities only, and do not extend to matters of jurisdiction, is not void on constitutional grounds, unless expressly forbidden." COOLEY, CONST. LIM. (6th Ed.) 456, 457. *State* v. *Abraham,* 64, Wash. 621, 117 Pac. 501. Of this class are statutes to cure irregularities in assessment of property for taxation and "irregularities in the votes" of municipal corporations. *State* v. *Ballard,* 16 Wash. 418; *Steuebel* v. *Bell,* 161 Ind. 323; *Cole* v. *Dorr,* 80 Kan. 251, 22 L. R. A. N. S. 538. If the thing failing to be done might have been dispensed with by the legislature, subsequent retroactive legislation may dispense with it. *Johnson* v. *Board of Comm'rs,* 107 Ind. 15; *People* v. *Wis. Cent. Red.* 219 Ill. 94; *Allen* v. *Archer,* 49 Me. 346; *Lovejoy* v. *Beeson,* 121 Ala. 605; *Mason* v. *Spencer,* 35 Kan. 513. The details of a proceeding at the time defective, may be cured by retrospective legislative enactments. *Kimball* v. *Rosendale,* 42 Wis. 407. A void act—void because irregular—may be validated. *City of Oakland* v. *Oakland Water Front Co.,* 118 Cal. 160; *Shenck* v. *City of Jefferson,* 152 Ind. 204; An act done under an unconstitutional provision may be cured. *State* v. *Winter,* (Wash) 46 Pac. 644. The clear weight of authority is that curative acts are not special or local, within the constitutional

prohibition. *In re Buffalo Traction Co.,* 49 N. Y. S. 1052. Although in this case the act applies to but one railroad. As long as the legislative provision is general, that is, applies to all of the described defective acts, it is constitutional. *State* v. *Brown,* 97 Minn. 402; 5 L. R. A. N. S. 327; *Wrought Iron Bridge Co.* v. *Attica,* 119 N. Y. 204; *Baird* v. *Monroe* (Cal. 1907) 89 Pac. 352; *Fair* v. *Buss,* 117 Ia. 164; *City of Leavenworth* v. *Water Co.,* 69 Kan. 82. There are a few cases that hold that when there is only one city which comes under the class described in the curative act, said act is special. *Cawker* v. *Cent. Bit. Paving Co.* (Wis) 120 N. W. 888; *Rutten* v. *Patterson,* 73 N. J. L. 467.

CONTEMPT—WHEN IS A CAUSE "PENDING?"—The original decision in *State ex rel. Spofford* v. *Gifford, Secretary of State,* 128 Pac. 1060, was handed down by the Idaho Supreme Court, Oct. 8, 1912. A petition for rehearing was filed Oct. 15 by attorneys not of record in the case. This petition was denied by the court Oct. 23. Between Oct. 8 and 23 certain articles were published by defendants charging the court with corrupt motives in rendering the decision. On information by the attorney-general stating the above facts, the defendants were held guilty of contempt and sentenced to fine and imprisonment. *McDougall, Atty. Gen.* v. *Sheridan et al,* (Idaho, 1913.) 128 Pac. 954.

The early common-law rule that the courts have the power of punishing as for a contempt, libelous publications upon their proceedings, whether pending or past, was acted upon in *Commonwealth* v. *Dandridge,* 2 Va. Cas. 408; *State* v. *Morrill,* 16 Ark. 384; *Burdett* v. *Commonwealth,* 103 Va. 838; *State* v. *Hildreth,* 82 Vt. 382. It has been refered to by way of dictum in other cases as a well established rule of the common law. *State* v. *Shepherd,* 177 Mo. 205, 99 Am. St. Rep., 624, 76 S. W. 79; *In re Chadwick,* 109 Mich. 588, 67 N. W. 1071. But the weight of the few decided cases in the United States seems to be that comments upon past decisions cannot amount to contempt. *State ex rel. Atty. Gen.* v. *Circuit Court,* 97 Wis. 1, 72 N. W. 193; 38 L. R. A. 554, 65 Am. St. Rep. 90;*Percival* v. *State,* 45 Neb. 741, 64 N. W. 221, 5 Am. St. Rep. 568; *Post* v. *State,* 14 Ohio C. C. 111; *Cheadle* v. *State,* 110 Ind. 301, 11 N. E. 426, 59 Am. Rep. 199; *In re Dalton,* 46 Kan. 253, 26 Pac. 673. This last case is based upon a dictum in *Re Pryor,* 18 Kan. 72, 26 Am. Rep. 747, where BREWER, J., said: "After a case is disposed of, a court or judge has no power to compel the public or any individual thereof, attorney or otherwise, to consider his rulings correct, his conduct proper, or even his integrity free from stain, or to punish for contempt any mere criticism or animadversion thereon, no matter how severe or unjust." The principal case expressly holds that the publication punished was in regard to a pending case. The question then naturally arises, when is a case pending? A cause is pending where, though a demurrer to the complaint has been sustained, leave to amend has been granted and the time for amendment has not yet expired. *Ex parte Barry,* 85 Cal. 603. The cause is pending where the decree is open to modification, rehearing, or appeal, and the costs have not been taxed, the decree enrolled, nor execution issued. *In re Chadwick, supra.* After rendition of the opinion, and after the time for rehearing has elapsed,